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**CHAPTER 14. LABOR-MANAGEMENT RELATIONS**

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**CHAPTER 14. LABOR-MANAGEMENT RELATIONS****1. SCOPE**

This chapter applies to physicians, dentists, podiatrists, optometrists, registered nurses, physician assistants, and expanded-function dental auxiliaries represented by labor organizations holding exclusive recognition in the Department of Veterans Affairs (VA). This chapter establishes the procedures for handling negotiability and grievability questions when there is an assertion by management that the issue concerns or arises out of professional conduct or competence, peer review, or the establishment, determination, or adjustment of employee compensation.

**Authority:** 38 U.S.C. 510(c)(1); 512(a); 7421; 7422.

**2. REFERENCES**

- a. Section 202 of the Department of Veterans Affairs Health-Care Personnel Act of 1991 Public Law (Pub. L.) 102-40.
- b. 38 U.S.C. chapter 74.
- c. 5 U.S.C. chapter 71.
- d. MP-5, part 1, chapter 711.

**3. POLICY**

a. VA recognizes the right of covered employees to engage in collective bargaining with respect to conditions of employment through representatives chosen by them as established in Pub. L. 102-40.

b. Collective bargaining shall be limited to the extent authorized in section 202 of Pub. L. 102-40. Working conditions of Title 38 employees generally are subject to collective bargaining under 5 U.S.C. chapter 71. However, under section 202, such collective bargaining and any grievance procedure provided under a collective bargaining agreement for covered employees may not cover, or have any applicability to, any matter or question concerning or arising out of professional conduct or competence, peer review, or the establishment, determination, or adjustment of employee compensation.

c. Covered employees are subject to the MP-5, part 1, chapter 711 involving labor relations except for matters addressed in this chapter.

**Authority:** 38 U.S.C. 512(a); 7421; 7422.

#### **4. DELEGATION OF AUTHORITY**

The Under Secretary for Health or designee, after consultation with appropriate officials in the Office of Human Resources Management and/or the Office of the General Counsel, as appropriate, will decide whether a matter or question concerns or arises out of professional conduct or competence, peer review, or the establishment, determination or adjustment of employee compensation.

**Authority: 38 U.S.C. 512(a); 7422.**

#### **5. PROCEDURES**

If, in connection with negotiations or a grievance, an issue arises concerning whether a matter is outside the scope of bargaining under 38 U.S.C. 7422, the following procedures will apply:

- a. When the question arises at the facility level, the Director shall submit a request for a final decision, through the Office of Human Resources Management (05), to the Under Secretary for Health or designee for a decision.
- b. When the question arises at the national level, the Office will submit the issue to the Under Secretary for Health or designee for a decision.
- c. The Director or designee will render a final decision on the matter. Such decision is not itself subject to collective bargaining and may not be reviewed by any other agency.

**Authority: 38 U.S.C. 512(a); 7422.**